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Paper No. 7

HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
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MORRISTOWN NJ 07962-2245

In re Application of:
Steve C. JOHNSON, et al.
Application No. 09/916,630
Filed: July 27, 2001
For: VARIABLE EGPWS LOOK-AHEAD
OFFSET AND SUB-OFFSET

MAIL

OCT 07 2004
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600
ON PETITION

This is a response to the petition to revive patent application under 37 CFR 1.137(a) filed August 30, 2004. The petition is being treated as a petition under 37 CFR 1.8(b) to withdraw the holding of abandonment.

The petition is granted.

This application became abandoned for failure to timely file a response to the August 27, 2003 Office action, which set a shortened statutory period of three (3) months to reply. A Notice of Abandonment was mailed on April 20, 2004.

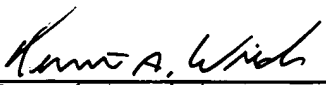
Petitioner alleges to have timely filed a response to the Office action on December 11, 2003. To support this position, Petitioner has included with the transmission, a statement from Michael S. Smith (Attorney/Agent of record), a post card which itemizes the response including a one month extension, a copy of an amendment, a statement of common ownership and a check for \$110 for one month extension. The post card is not date stamped as having been received by the USPTO and therefore does not serve as prima facie evidence of receipt of the items listed.

However, 37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Petitioner has met the requirements above. Accordingly, the Notice of Abandonment is vacated and the holding of abandonment withdrawn. Furthermore, the \$110 fee sent with the original response for extension of time has been credited to the application.

The application will be forwarded to the Technology Center's technical support staff for entry of the response. From there, the file will be forwarded to the examiner for consideration in due course. Since no fee is due for these types of petitions. The \$110 fee accompanying the petition has been credited to Deposit Account No. 501050.


Kenneth A. Wieder
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Technology Center 2600
Communications